IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13917 of 2005

Between:

P. Shankar S/o. Sri Edukondalu,
R/o.Plot No. 33, Sourala Colony,

Seethapalmandi (PO) Bapujinagar,
Parsigutta Road, Hyderabad.

..... PETITIONER

AND

1 The Commissioner,

Endowments Department,
Boggulakunta, Hyderabad.
2 The Assistant Commissioner,

Endowment Department, Kadapa District.
3 The Assistant Commissioner-- Cum Executive Officer,

Sri Veeranjaneya Swamy Devasthanam,

Ganhikshetram, Chakrayapeta Mandal,

kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of WRIT OF MANDAMUS, directing the respondents to extend my lease of collecting human hair at Sri Veeranjaneya Swamy Devasthanam, Gandikshetram, Chakrayapeta Mandalam, Kadapa District for the period from 01-08-2005 to 01-08-2006 with an increase by 8% over the previous years bid amount Rs,9,82,925/- as recommended

by the Temple Trust Board on 21-05-2002, consequently quashing item (1) of Public auction notice issued by the third respondent from the tender cum- auction to be held on 01-07-2005.

Counsel for the Petitioner: Mr. VIJAY B.PAROPAKARI
Counsel for the Respondents.1 & 2: GP FOR ENDOWMENTS
Counsel for the Respondent No.3 : Mr. K.UN. BHUPAL.

The Court, at the stage of admission, made the following :

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ORDER:

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The petitioner had a licence for collection of human hair at the premises of Sri Veeranjaneya Swamy Devasthanam, Gandhikshetram, Chakrayapeta mandal, Kadapa District, which came to an end. By a notification dated 18-06-2005, the respondents called for tenders for an award of the licence for the year, 2005-2006. This Writ Petition is filed seeking a direction to the respondents for renewal of his licence and for quashing of the public tender for the period 01-08-2005 to 01-08-2006 by stipulating an increase of 8% over the previous year's bid amount.

2. No such relief as sought in the Writ Petition could be granted. It is a settled principle that unless there are extenuating or compelling circumstances, sale or lease of properties by the State or award of contracts by the State should be by a transparent and public process and that a tender process is the best suited for the purpose. There is no clause in the existing licence of the petitioner or any other legal provision enabling the renewal of the petitioner's licence. No relief could therefore be granted to the petitioner. The Writ Petition is without merits.

3. Accordingly, the Writ Petition is dismissed.

(GODA RAGHURAM,J)

1st July, 2005.

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To

1 The Commissioner,

Endowments Department,
Boggulakunta, Hyderabad.

2 The Assistant Commissioner,

Endowment Department, Kadapa District.

3 The Assistant Commissioner-- Cum Executive Officer,

Sri Veeranjaneya Swamy Devasthanam,

Ganhikshetram, Chakrayapeta Mandal,

kadapa District.

4 Two CCs to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

5 Two CD copies.